

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ABBOTT LABORATORIES and
ADVANCED CARDIOVASCULAR
SYSTEMS, INC.,

Plaintiffs,

v.

JOHNSON AND JOHNSON, INC. and
CORDIS CORPORATION,

Defendants.

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C.A. No. 06-613-SLR

**DEFENDANTS' NOTICE OF DEPOSITION UNDER FED. R. CIV. P. 30(b)(6)
RELATING TO SUBJECT MATTER JURISDICTION**

PLEASE TAKE NOTICE that on March 7, 2007 beginning at 9 a.m., Defendants Johnson & Johnson ("J&J") and Cordis Corporation ("Cordis") (collectively "Defendants") will take the deposition of Plaintiffs at the law offices of Sidley Austin LLP, One South Dearborn, Chicago, Illinois, 60603 or such other location as agreed-upon by the parties, pursuant to Federal Rules of Civil Procedure 26 and 30(b)(6) on the topics specified in Exhibit A attached hereto, before a court reporter, notary public, or other person authorized by law to administer oaths. The deposition will be recorded stenographically and may be videotaped. You are invited to attend and cross-examine if you so desire.

ASHBY & GEDDES

/s/ Lauren E. Maguire

Steven J. Balick (I.D. # 2114)
John G. Day (I.D. # 2403)
Lauren E. Maguire (I.D. # 4261)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
sbalick@ashby-geddes.com
jday@ashby-geddes.com
lmaguire@ashby-geddes.com

Attorneys for Defendants

Of Counsel:

David T. Pritikin
William H. Baumgartner, Jr.
Russell E. Cass
Laura L. Kolb
Sidley Austin LLP
One South Dearborn
Chicago, IL 60603
Telephone: (312) 853-7000
Facsimile: (312) 853-7036

Dated: February 15, 2007
177830.1

EXHIBIT A

Definitions and Instructions

In the topics appearing below, Defendants adopt and incorporate the Definitions from Defendants' First Set of Requests for Production to Plaintiffs Relating to Subject Matter Jurisdiction.

Topics

1. Statement(s), threat(s), or other action(s) by J&J that Plaintiffs contend created a basis for initiating a lawsuit seeking a declaration of non-infringement of any of the patents-in-suit.
2. Statement(s) made or action(s) taken by J&J to the customers of Abbott or Guidant threatening or in any way suggesting J&J would be asserting any of the patents-in-suit against Abbott or Guidant, or any product of Abbott or Guidant.
3. The date on which Abbott or Guidant formed a belief that J&J would file an infringement suit on any of the patents-in-suit against Abbott or Guidant, the bases relied on to form such belief, and the individual(s) who held such a belief on Abbott or Guidant's behalf.
4. The bases for the allegation that J&J undertook a "public campaign to cast a cloud" over the launch of the XIENCE V product, as stated in paragraph 19 of your Complaint.
5. The bases for the allegation that "J&J (was) preparing to sue Abbott for infringement" of the patents-in-suit as of September 29, 2006.
6. The statements referenced in your allegation that "J&J made additional threatening statements to industry analysts," as stated in paragraph 35 of your Complaint.
7. Any decision, analysis, or discussion before September 29, 2006 regarding whether and when to contact J&J concerning the patents-in-suit.

8. Any decision, analysis, or discussion before September 29, 2006 regarding whether and when to file this lawsuit.